

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

**(Page 1)**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled EXPANDABLE STENT AND METHOD FOR DELIVERY OF SAME, was filed on September 8, 1998 as United States Application No. 09/142,509, and was amended on September 8, 1998, November 15, 2001, November 15, 2002, and December 12, 2003.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b), of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designates at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed:

| <u>Country</u> | <u>Application No.</u> | <u>Filed (Day/Mo./Yr.)</u> | <u>(Yes/No)</u><br><u>Priority Claimed</u> |
|----------------|------------------------|----------------------------|--|
| Canada         | 2,171,047              | 5 March 1996               | Yes  |
| Canada         | 2,175,722              | 3 May 1996                 | Yes  |
| Canada         | 2,185,740              | 17 September 1996          | Yes  |
| Canada         | 2,192,520              | 10 December 1996           | Yes  |
| PCT            | PCT/CA97/00152         | 5 March 1997               | Yes  |

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the

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(Page 2)

Application No. \_\_\_\_\_ Filed (Day/Mo./Yr.) \_\_\_\_\_ (Patented, Pending, Abandoned)

I hereby appoint the practitioners associated with the firm and Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to the address associated with that Customer Number:

**FITZPATRICK, CELLA, HARPER & SCINTO**  
Customer Number: 05514

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor IAN M. PENN

Inventor's signature 

Date February 10, 1999 Citizen/Subject of Canada

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Full Name of Second Joint Inventor, if any DONALD R. RICCI

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